

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JIM DAWS TRUCKING, LLC,

Plaintiff,

v.

DAWS, INC., JAMES R. DAWS,
LANA R. DAWS, DAWS TRUCKING,
INC., and COLUMBUS
TRANSPORTATION & LOGISTICS,
LLC,

Defendants.

CASE NO. 4:24-CV-3177

**DECLARATION OF
WAYNE SCHMEECKLE**

I, Wayne Schmeeckle, hereby declare as follows:

1. I am above the age of 19, and I am competent to testify. I have personal knowledge of all facts set forth herein.

2. I am the President of Schmeeckle Bros. Construction Co. ("Schmeeckle Bros."). Our company specializes in constructing beef processing plants. Through our work we have the need to move construction equipment and building materials via flatbed trailers to jobsites.

3. For many years Schmeeckle Bros. used Daws Trucking to transport its equipment and building materials. When Jim Daws ran Daws Trucking I could always rely on Daws Trucking to get the job done.

4. While I do not know the specifics, through the course of our business relationship, I understood that at some point Daws Trucking was sold. However, after the sale, Jim Daws continued to run Daws Trucking. While Jim Daws was operating Daws Trucking after the sale, we continued to receive the same high level of service from Daws Trucking as we had before the sale.

5. Jim Daws never badmouthed or spoke ill of Daws Trucking or the new owners of Daws Trucking to me, nor am I aware that he has done so to anyone else.

6. In 2024, Jim Daws reached out to me stating that he was in negotiations to buy Daws Trucking. I discussed the possibility with Jim of Schmeeckle Bros. purchasing Daws Trucking or partnering in the purchase. Ultimately, I determined that buying Daws Trucking wasn't in best interest of my company. I later came to understand that Jim Daws was unable to reach a deal with the new owners to buy back Daws Trucking.

7. At no time did Jim Daws say or do anything that indicated to me that he was doing anything to compete with Daws Trucking. My conversations with Jim Daws were centered on Jim trying to save Daws Trucking so that the drivers would have a stable company to work for, and not on any venture that would compete with JDT.

8. Schmeeckle Bros. continues to use Daws Trucking for the vast majority of its equipment and building material hauling. However, since Jim Daws left Daws Trucking on October 1, 2024, its service has become much less reliable and has become less responsive to my company's needs. From a customer's perspective, I have not been pleased with the way the new management of Daws Trucking is operating the company. For example, since October 1, 2024, when we have attempted to call Daws Trucking to haul loads, our calls have frequently been unanswered and unreturned.

9. To my knowledge Jim Daws is not involved in any other trucking business. He never discussed with me starting a venture that would compete with Daws Trucking.

10. Jim Daws has never asked me or encouraged me to transfer Schmeeckle Bros.'s business away from Daws Trucking to any other carrier.

I declare, under penalty of perjury, that the foregoing declaration, executed on the 28TH day of January, 2025, at Ft. Morgan, Colorado, is true and correct.

Wayne Schmeeckle
Wayne Schmeeckle

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